Inns and Innkeepers—Liability of Restaurant Proprietor for Loss of Overcoat.—In Apfel *v.* Whyte, 180 N. Y. S. 712, the Supreme Court of New York held that the proprietor of a restaurant was not liable for the loss of a guest's overcoat, which he handed to a waiter, who hung it on a nearby hook, and the guest could have taken it at any time without leave.

The court said in part: "We are dealing with a subject that is a matter of every-day experience with most of us, a commonplace of life in a large city, and we know that restaurant managers do not, and in the nature of things can not, station employees to stand guard over coats and hats, unchecked, and hung on hooks about the room. Even if there were such watchers, they would not know which coat belonged to a given guest. Nor can the waiter be expected to care for the coats and hats of the guests he is serving, for a large part of the time he is necessarily going to, coming from, and in the kitchen.

"Checking stands or racks, with boys in charge, are provided in most restaurants of any size, except those that cater exclusively to persons seeking inexpensive meals, for the very purpose of relieving guests of the burden and worry of exercising care in respect of their coats, hats, umbrellas, sticks, handbags, and other things commonly carried into restaurants. Is it not a natural and instinctive thing for one whose coat has been hung up on a hook near his seat occasionally to look in that direction to see that it is still there? I do not believe it enters into the head of such a guest to assume that he has thrown off all responsibility for the safety of his property; indeed, it seems to me that, on the contrary, he feels himself under a decided compulsion to guard it. A guest may, of course, enter into a special arrangement with a restaurant proprietor by which the guest's property shall become the subject of special care; but there is no pretense of any such express bailment here."

Inns and Innkeepers—Right of Guest to Leave Where Dining Room Infested with Flies.—In Williams *v.* Sweet, 110 Atl. 316, the Supreme Judicial Court of Maine held that in view of the well-known disease-carrying characteristic of the common house fly, a hotel guest is warranted in leaving regardless of contract for longer stay, where the dining room is infested with a large number of flies.

In referring to the dangerous nature of flies, the court said in part: "It is a matter of common knowledge that the common house fly has come to be regarded by the enlightened understanding, not only as one of the most annoying and repulsive of insects, but one of the most dangerous in its capacity to gather, carry, and disseminate the germs of disease. He is the meanest of all scavengers. He delights in reveling in all kinds of filth; the greater the putres-

cence the more to his taste. Of every vermin, he above all others is least able to prove an alibi when charged with having been in touch with every kind of corruption, and with having become contaminated with the germs thereof. After free indulgence in the cesspools of disease and filth, he then possesses the further obnoxious attribute of being moth agile and persistent in ability to distribute the germs of almost every deadly form of contagion.

It is a matter of common knowledge that yellow fever was formerly the scourge of certain localities in our own and other countries. For years no one mistrusted or was able to detect the cause. But one day it was announced that a certain kind of mosquito by his sting communicated the germs of this dread disease. The knowing introduction of one of these mosquitos now would constitute a criminal offense. While the house fly has not yet been regarded as fatal as a mosquito, he, nevertheless, is now attracting the serious attention of sanitary and health departments all over the country; in fact, all over the world. The dangers with which his presence is fraught is also a matter of common knowledge, and hence of judicial notice."

Libel and Slander—Liability of Publisher of Libelous Novel.—In Corrigan *v.* Bobbs-Merrill Co., 126 N. E. 260, the Court of Appeals of New York held that the publishers of a libelous novel is chargeable with the publication of the matter if it was written of and concerning the person libeled, even though the publisher was unaware of his existence, or even that the matter was written of and concerning any existing person.

The court said in part: "The fact that the publisher has no actual intention to defame a particular man or indeed to injure any one does not prevent recovery of compensatory damages by one who connects himself with the publication, at least, in the absence of some special reason for a positive belief that no one existed to whom the description answered. The question is not so much who was aimed at as who was hit.

" 'The writing, according to the old form, must be malicious, and it must be of and concerning the plaintiff. Just as the defendant could not excuse himself from malice by proving that he wrote it in the most benevolent spirit, so he cannot show that the libel was not of and concerning the plaintiff by proving that he never heard of the plaintiff. His intention in both respects equally is inferred from what he did. His remedy is to abstain from defamatory words.' Lord Loreburn, L. C., in Hulton *v.* Jones, 1910, A. C. 20, 24.

"This rule is unqualifiedly applied to publications in the newspaper press, and is no different when applied to those who issue books. Works of fiction not infrequently depict as imaginary events in